

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HAROLD A. McMASTER ET AL.

Serial No.: 08/655,853

Filed: May 30, 1996

For: GLASS SHEET BENDING AND TEMPERING APPARATUS

Attorney Docket No.: GLT 1618 R



Group Art Unit: 1731

Examiner: S. Vincent

#78
AW
2.20.01

**THIRD SUBSTITUTE TERMINAL DISCLAIMER
TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

02/14/2001 TGEDAMU1 00000035 08655853
02 FC:248 55.00 OP

Sir:

Petitioner, Glasstech, Inc., a Delaware corporation having a place of business at Perrysburg, Ohio, is the owner by assignment of 100 percent interest in the instant application, as well as each of U.S. Patent Nos. 4,822,398; 4,909,824; and 4,957,531, as evidenced by the chain of title from the inventors in each case to Glasstech, Inc. as set forth below:

(1) The instant reissue application - Serial No. 08/655,853

Continuation of U.S. Serial No. 08/332,423, filed October 31, 1994, which is a continuation of U.S. Serial No. 08/002,090, filed January 8, 1993, which is a continuation of Reissue Application Serial No. 07/775,418, filed October 15, 1991, from U.S. Patent No. 4,883,527, issued November 28, 1989.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

February 8, 2001
Date of Deposit

Earl J. LaFontaine
Name of Person Signing

Earl J. LaFontaine
Signature

<u>Assignors</u>	<u>Assignee</u>	<u>Recorded At Reel/Frame</u>
Harold A. McMaster, Norman C. Nitschke, Dexter H. McMaster, Ronald A. McMaster	Glasstech International L.P.	5153/0995
Glasstech International L.P.	GLT Corp	5541/0105
GLT Corp.	Glasstech, Inc., Perrysburg, Ohio, a corporation of Delaware *	5439/0758

* GLT Corp. merged with Glasstech, Inc. a Delaware Corporation

(2) U.S. Patent No. 4,822,398

<u>Assignors</u>	<u>Assignee</u>	<u>Recorded At Reel/Frame</u>
Harold A. McMaster, Norman C. Nitschke, Dexter H. McMaster, Ronald A. McMaster	Glasstech, Inc., an Ohio corporation	4758/0931
Glasstech, Inc., an Ohio corporation	Glasstech International L.P.	4827/0722
Glasstech International L.P.	GLT Corp.	5541/0105
GLT Corp.	Glasstech, Inc. Perrysburg, Ohio a corporation of Delaware *	5439/0758

* GLT Corp. merged with Glasstech, Inc., a Delaware corporation

(3) U.S. Patent No. 4,909,824**Assignors**Harold A. McMaster,
Thomas E. Feehan**Assignee**Glasstech, Inc.,
Perrysburg, Ohio
a corporation of
Delaware**Recorded At
Reel/Frame**

5113/0479

(4) U.S. Patent No. 4,957,531**Assignors**Harold A. McMaster,
Ben M. Balestra**Assignee**Glasstech, Inc.,
Perrysburg, Ohio,
a corporation of
Delaware**Recorded At
Reel/Frame**

5113/0278

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 4,822,398. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its fully statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I have reviewed the above-recorded documents which evidence the chain of title from the original owners to Glasstech, Inc., the current assignee, and I hereby certify that, to the best of my knowledge and belief, title is in Glasstech, Inc., of Perrysburg, Ohio, a Delaware Corporation, the assignee seeking to take the action herein.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

GLASSTECH, INC.

By Kenneth H. Wetmore
Kenneth H. Wetmore
Vice President, General Counsel
and Secretary

Dated: Jan 30, 2001

x Terminal disclaimer fee under 37 CFR 1.20 (d) included.

x PTO suggested wording for terminal disclaimer was

 unchanged, x changed (if changed, an explanation should be supplied).

Changed to specify by reel and frame the chain of title for each of the commonly owned patents, and to include statement by declarant that the recorded documents were reviewed and that title is in Glasstech, Inc.